



**PROPOSED RULE MAKING  
(RCW 34.05.320)**

**CR-102 (7/22/01)  
Do NOT use for expedited  
rule making**

Agency: Agriculture

- ☒ Preproposal Statement of Inquiry was filed as WSR 02-22-090 ; or  
☐ Expedited Rule Making -- Proposed notice was filed as WSR \_\_\_\_\_; or  
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice  
☐ Supplemental Notice  
to WSR \_\_\_\_\_  
☐ Continuance of WSR \_\_\_\_\_

(a) Title of rule: (Describe Subject) Rules related to the use of pesticides containing the active ingredient thiamethoxam when applied to pome fruits.

Purpose: The proposed rules are intended to provide enhanced protection for honeybees when used to pollinate pome fruits which have been treated with products containing the active ingredient thiamethoxam.

Other identifying information:

(b) Statutory authority for adoption: RCWs 15.58.040, 17.21.030 and 34.05 RCW

Statute being implemented: 15.58 RCW and 17.21 RCW

(c) Summary: SEE ATTACHED

Reasons supporting proposal: Honeybees are essential for the pollination of pome fruits and need enhanced protection when products containing the active ingredient thiamethoxam are used to treat pome fruits. Products containing the active ingredient thiamethoxam are highly toxic to honey bees and have an extended residual hazard.

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting..... Erik Johansen	1111 Washington Street, Olympia, WA	360-902-2078
2. Implementation.... Cliff Weed	1111 Washington Street, Olympia, WA	360-902-2036
3. Enforcement..... Cliff Weed	1111 Washington Street, Olympia, WA	360-902-2036

(e) Name of proponent (person or organization): Washington State Department of Agriculture, Pesticide Management Division

☐ Private  
☐ Public  
☒ Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters:

(g) Is rule necessary because of:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, ATTACH COPY OF TEXT Citation:
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

(h) HEARING LOCATION:  
WSDA Office Second Floor Conference Room  
21 North First Avenue  
Yakima, WA 98902

Date: February 4, 2003 Time: 6:00 pm

Assistance for persons with disabilities: Contact  
Laurie Mauerman by January 27, 2003

TDD (360) 902-1996 or ( ) \_\_\_\_\_

NAME (TYPE OR PRINT)

Bob Arrington

SIGNATURE

TITLE

Assistant Director

DATE

January 2, 2003

Submit written comments to:

Laurie Mauerman  
Washington State Department of Agriculture  
PO Box 42560 E-mail [lmauerman@agr.wa.gov](mailto:lmauerman@agr.wa.gov)  
Olympia, WA 98504  
FAX (360) 902-2093 **By (date) 5:00 pm February 5, 2003**

DATE OF INTENDED ADOPTION: February 11, 2003

**CODE REVISER USE ONLY**

(COMPLETE REVERSE SIDE)

(j) Short explanation of rule, its purpose, and anticipated effects:

- Makes pesticides containing the active ingredient thiamethoxam restricted use pesticides when labeled for use on pome fruits, including apples and pears.
- Establishes specific stages of bloom development when products containing the active ingredient thiamethoxam can legally be applied to apples and pears.
- Prohibits the application of products containing the active ingredient thiamethoxam directly to blooming plants or allowing products containing the active ingredient thiamethoxam to drift onto blooming plants.
- After an application of products containing the active ingredient thiamethoxam, a waiting period of at least 5 days must take place before placing the beehives in the treated orchard.
- Requires that any blooming plants or weeds be removed prior to the application of products containing the active ingredient thiamethoxam. Mowing, disking, mulching, flailing or applying a labeled herbicide may accomplish this.

The proposed rule is intended to accomplish two primary purposes. One would be to address existing supplies of products containing the active ingredient thiamethoxam, which would not have the new label language. The second purpose would be to ensure there are rules in place if supplies of products containing the active ingredient thiamethoxam with the new label language are not available in time for the use season (early spring). The new rules will be identical in content to the newly proposed label language, which the registrant of products containing the active ingredient thiamethoxam has sent to EPA for approval.

The proposed rules are intended to provide enhanced protection for honeybees when used to pollinate pome fruits that have been treated with products containing the active ingredient thiamethoxam.

Does proposal change existing rules? ☒ YES ☐ NO

If yes, describe changes:

The proposed rule is intended to accomplish two primary purposes. One would be to address existing supplies of products containing the active ingredient thiamethoxam, which would not have the new label language. The second purpose would be to ensure there are rules in place if supplies of products containing the active ingredient thiamethoxam with the new label language are not available in time for the use season (early spring). The new rules will be identical in content to the newly proposed label language, which the registrant of products containing the active ingredient thiamethoxam has sent to EPA for approval.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

- ☐ Yes. Attach copy of small business economic impact statement.  
A copy of the statement may be obtained by writing to:

telephoning: (     )

faxing: (     )

- ☒ No. Explain why no statement was prepared.

The registrant of products containing the active ingredient thiamethoxam has submitted label changes to the Environmental Protection Agency (EPA) that will provide enhanced protection of honey bees. The label changes are likely to be approved by EPA and should appear on products containing the active ingredient thiamethoxam that are distributed in 2003. RCW 19.85.030 requires that a state agency must prepare a small business economic impact statement (SBEIS) if a proposed rule will impose a "more than minor cost" on the businesses in the regulated industry. WSDA has determined that the proposed rules will not impose a "more than minor cost" on regulated businesses because the proposed new WSDA rules will be identical in content to the newly proposed registrant label language, which the registrant has sent to EPA for approval. Because the proposed WSDA rules will be identical to the newly labeled products containing the active ingredient thiamethoxam the cost impact to the users of products containing the active ingredient thiamethoxam is not "more than minor" and a SBEIS is not required.

(l) Does RCW 34.05.328 apply to this rule adoption? ☐ Yes ☒ No

Please explain: The Washington State Department of Agriculture is not a listed agency in RCW 34.05(a)(i).



(c) Summary:

During 2002, WSDA investigated 11 reports of honeybee kills that appear to be related to the use of products containing the active ingredient thiamethoxam in pome fruits. Honeybees are essential for the pollination of pome fruits and need enhanced protection. The registrant for products containing the active ingredient thiamethoxam has submitted label changes to the Environmental Protection Agency (EPA), which will provide enhanced protection of honeybees. The label changes are likely to be approved by EPA and the changes should appear on products containing the active ingredient thiamethoxam distributed in 2003. The proposed rule is intended to accomplish two primary purposes. One would be to address existing supplies of products containing the active ingredient thiamethoxam, which would not have the new label language. The second purpose would be to ensure there are rules in place if supplies of products containing the active ingredient thiamethoxam with the new label language are not available in time for the use season (early spring). The new rules will be identical in content to the newly proposed label language, which the registrant of products containing the active ingredient thiamethoxam has sent to EPA for approval. **NOTE: WSDA is not currently considering any restrictions which would prohibit the use of products containing the active ingredient thiamethoxam, rather restrictions are being proposed which will allow the use of products containing the active ingredient thiamethoxam while at the same time provide enhanced protection for pollinators.**